

## **CITY OF GARDNER'S 2005 LEGISLATIVE AGENDA**

### **State Issues**

The following is the City of Gardner's legislative agenda for 2005:

1. **Home Rule and Local Control** --The governing of public affairs should remain accessible to citizens. Preservation of constitutionally granted home rule authority as it exists today is essential to effective and responsible local self-government. Locally elected officials are in the best position to make decisions of community concern and are most accountable for those decisions. The City of Gardner opposes legislation that would directly or indirectly limit the constitutionally granted home rule authority of cities. This includes:
  - a. Annexation -- allowing cities to grow is inherent to the ultimate success of communities in Kansas. Gardner supports the currently established State statute and opposes any changes that limit the authority of cities to grow.
  - b. Eminent domain -- is a fundamental authority for municipalities. The authority to acquire property through condemnation proceedings is critical for public improvements to infrastructure as well as sound economic development policy. Gardner supports the existing statutory safeguards, which were enacted to protect private property interests.
  - c. Support Home Rule Authority to Impose Development Fees --Gardner supports the existing home rule authority for cities to impose development fees to ensure that development pays for itself without having to resort to increased property taxes. The excise tax is one development fee that gives cities the flexibility to fund significant infrastructure improvements associated with growth. Without an excise tax, cities would be forced to raise the property and other taxes to support growth.
  - d. Spending and Tax Lids -- The City opposes any state-imposed taxing and spending lids. Local taxing and spending decisions are best left to local officials and the citizens they serve.
  - e. Unfunded Mandates --The imposition of state mandates and programs on local governments without accompanying state funding is contrary to the spirit of constitutional home rule. Any function or activity mandated by the state upon local governments should be fully and continuously funded by the state.
2. **Transportation Funding** --The Legislature should continue the funding commitment to the \$13.2 billion 1999 Comprehensive Transportation Program, including the transfer of a portion of the state sales tax dedicated to the highway fund. By maintaining the transportation infrastructure, the State of Kansas and its local governments will benefit from the economic development opportunities that come with a well-maintained transportation system.

Additionally, the Legislature should see that Special Highway revenues continue to be handed down to municipalities to ensure that local roadways as well as state roadways are receiving adequate dollars for ongoing maintenance and repair. The City of Gardner opposes legislation that would reduce the sharing of motor fuel tax revenue with local units of government.

3. **Destination Based Sales Tax** – Gardner and many other communities have benefited from the change to destination based taxation. It is proper distribution of the money and creates a way to tax Internet sales. This is one of the State's and local governments most significant form of revenue and it needs to be protected. The City of Gardner maintains that local officials and their residents should determine local sales tax and use rates and opposes any legislation that would preempt local authority to set these rates.

According to Kansas Department of Revenue estimates, uncollected sales taxes from remote purchases amounts to \$70 million in lost State revenue and \$18 million in lost local government revenue annually. State and municipal governments rely heavily on sales tax revenue to provide public services. Although residents making on-line purchases receive these services, they do not share equally in the cost. Unequal taxing of remote sales creates an unfair pricing advantage for on-line retailers. Nationwide implementation of the destination based sales tax will level the playing field between on-line and "main street" businesses.

The Compensating Use Tax expanded by the Streamlined Sales Tax Act has also become an important revenue source for local governments. The Compensating Use Tax helps offset the loss in City income created when sales tax proceeds were shifted from point of sale to point of delivery. This essential revenue source should be maintained as a part of destination based sales.

4. **Support reauthorization of the Kansas Open Records Act ("KORA") Exemptions.** Current Open Records Act exemptions will expire on July 1, 2005. In its original form, KORA represented the end product of four years of careful deliberation and legislative craftsmanship. In the following years, KORA was amended in response to specific concerns primarily relating to personal privacy issues or governmental efficiency. These amendments were narrowly crafted to solve precise, identifiable problems. Although the City strongly believes that openness in city government is essential, KORA and its exemptions, balances the public right of access with individual privacy rights and community interests.
5. **Ensuring Adequate Funding of State Mandated Local Pension Plans**—The local KPERS system should remain separate from state and school retirement systems. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. The City of Gardner supports achieving a fully funded public employees retirement system within a reasonable period of time and remains separate from state and school retirement systems.
6. **Funding for Local Agencies to Prevent and Respond to Acts of Terrorism**—Local government public safety personnel are the first to respond to acts of terrorism and are often at the forefront of preventing acts of terrorism. Available funds should be used and distributed in a manner that provides local governments maximum resources and flexibility to prevent and combat terrorism, especially monies for training and overtime purposes. The City of Gardner supports legislation that provides adequate funding to help prevent and respond to acts of terrorism.

7. **International Codes for Government, Public, Residential and Commercial Buildings** --The City of Gardner supports the Kansas Heart of America Chapter, ICC efforts in recommending the adoption of the International Codes for all government and public buildings, residential and commercial.
8. **Ordinance Publication Requirements** – The City supports a change in the state statutes to allow local governments to publish only the title of a new ordinance, instead of the entire ordinance. Currently, Kansas municipalities are required to publish the entire ordinance, at a substantial cost to the community. Costs to publish legally required advertisements in the local newspaper were over \$20,000 for the City of Gardner. With this change cities would only be required to publish the title of the ordinance and post the remainder of the ordinance for public display on its website and/or in a prominent viewing area in City Hall and/or other public buildings. In addition, the ordinance is also available through the open records act.
9. **Property Tax on Aircraft Nexus** – The City of Gardner supports any change in state statutes that will allow aircraft personal property tax to be given to the community where the aircraft is housed.
10. **Occasional Sales of Motor Vehicles** – City of Gardner supports a repeal of 2004 Session Law Ch. 171 Sec. 7 (o), which requires County Treasurers to use either the actual sale price or the formula used to compute the fair market value for taxation purposes, whichever is higher, for the purposes of determining the sales tax due on a vehicle purchased from an individual who is not a motor vehicle dealer.